

ORDINANCE C-17-01

AN ORDINANCE TO AMEND CHAPTER 1301 OF THE CODIFIED ORDINANCES OF GROVE CITY, OHIO, TITLED GENERAL PROVISIONS AND CODE PENALTY

WHEREAS, a review of the current General Provisions and Code Penalty Chapter has been conducted by the Chief Building and Zoning Official; and

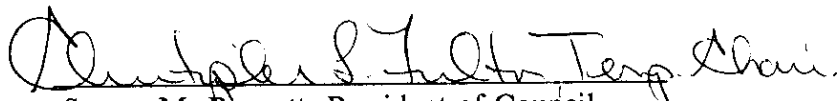
WHEREAS, this review initiated the addition of many definitions and new sections for the ability to perform the duties of the Building Department with a better understanding.


NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GROVE CITY, STATE OF OHIO, THAT:

SECTION 1. Chapter 1301 is hereby amended as shown in Exhibit "A", which is attached hereto and made a part hereof.

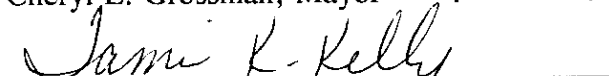
SECTION 2. This ordinance shall take effect at the earliest opportunity allowed by law.

Passed: 3-19-01
Effective: 4-18-01

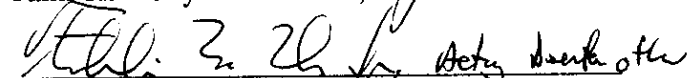

Steven M. Bennett, President of Council


Cheryl L. Grossman, Mayor

Attest:


Tami K. Kelly CMC/AEE, Clerk of Council

I Certify that this ordinance is correct as to form.


Thomas R. Clark, Director of Law

Ord. C-17-01
EXHIBIT "A"

CHAPTER 1301
General Provisions and Code Penalty

- 1301.01 ~~Conformance required Purpose.~~
- 1301.02 ~~Model Codes adopted Scope.~~
- 1301.03 ~~Repairs; enlargements; Building Inspector's powers Definitions.~~
- 1301.04 ~~Conflict of regulations Model Codes adopted.~~
- 1301.05 ~~Validity.~~
- 1301.06 ~~1301.01 Conformance Required.~~
- 1301.07 ~~1301.03 Repairs; enlargements; Building Inspector's powers.~~
- 1301.08 ~~1301.04 Conflict of regulations.~~
- 1301.09 ~~1301.05 References to administrative bodies.~~
- 1301.10 ~~Responsibility of Owner.~~
- 1301.11 ~~Directives.~~
- 1301.99 General Code penalty.

CROSS REFERENCES

- Adoption of technical codes - see CHTR. §2.13; Ohio R.C. 731.231
- Power to regulate building erection - see Ohio R.C. 715.26, 715.29, 737.37
- Ohio State building standards - see Ohio R.C. Ch. 3781
- Ohio Basic Building Code - see Ohio R.C. 3781.10
- CABO Code adoption - see BLDG. 1301.02(a)
- Division of Building Regulation - see BLDG. 1303.01
- Powers of Building Inspector - see BLDG. 1303.02 et seq.
- Adoption of Ohio Basic Building Code - see BLDG. 1321.01

1301.01 ~~PURPOSE.~~

~~The purpose of this Building Code is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the city and certain equipment specifically regulated herein.~~

1301.02 ~~SCOPE.~~

~~New buildings and structures hereafter erected or improved in the city and buildings and structures moved into or within the city shall conform to the requirements of this Building Code. Hereafter the term "building" shall include "structure" in this Grove City Building Code. Where, in any specific case, different sections of this Building Code specify different materials, methods of construction or other requirements the most restrictive shall govern.~~

1301.03 ~~DEFINITIONS.~~

~~A. As used in this Part:~~

~~"Building" means any structure used for shelter, occupancy, enclosure, or support of persons, animals, or property or intended for supporting or sheltering any use or occupancy, having a roof supported by columns or walls and requiring a building permit. For application of this Code, each portion of a building completely separated from other portions by firewalls complying with OBBC 1407.0 shall be considered as a separate building. Whenever possible herein, the term "building" shall include the term "structure."~~

~~"Building addition" or "addition" means a part added to a building, either by being built so as to form one architectural whole with it, or by being joined with it in some way, as by a passage, and so that one is a necessary adjunct or appurtenance of the other or so that both constitute the same building.~~

~~"Building Code" means Part 13 of the Grove City Codes.~~

"Building Code" means Part 13 of the Grove City Codes.

"Building line" means the clearance line limiting the approach of a building, exclusive of open porches, steps, terraces or walkways, to a property line, or to other buildings on the same lot.

"Existing building" means a building already erected or one for which a legal permit has been issued prior to the adoption of the Building Code.

"Chief Building and Zoning Official" means the officer so designated by the Director of Safety. The Chief Building and Zoning Official and his regularly authorized representatives are charged with the administration and enforcement of the building code. The authorized representatives may include city employees or registered contract inspectors. The Chief Building and Zoning Official is also the designated authority charged with the administration and enforcement in the City of Grove City of the Ohio Basic Building Code approved by the Ohio Board of Building Standards in accordance with Rule 4101.2-1-45 of the Administrative Code of Ohio.

"Condominium" means a multi-unit building in which the units are owned individually and the structure is owned jointly, regulated under OBBC for use and occupancy on the basis of the jointly owned structure with the individually owned units treated as tenant spaces.

"Dwelling" means any residence building or portion thereof, which is not an "apartment house," which contains one (1), two (2) or three (3) dwelling units, used, intended, or designed to be used, rented, leased, let or hired out to be occupied or which are occupied for living purposes by one (1) family each.

(a) "One (1) family dwelling" means a building containing one (1) dwelling unit with not more than two (2) lodgers or boarders.

(b) "Two (2) and three (3) family dwellings" means buildings containing two or three (3) dwelling units with not more than two (2) lodgers or boarders per building.

"Dwelling unit" means a single unit providing complete, independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

"Family" means an individual or any number of individuals related by blood, marriage, or a group of not more than two (2) individuals not so related, living together.

"Front of lot" means the front boundary line of a lot bordering on the street and in case of a corner lot, may be either frontage.

"Fuel-burning equipment" means any furnace, incinerator, refuse burning equipment, boiler, apparatus, device, mechanism, stack or structure used in the process of burning fuel or combustible material.

"Garage" see Section 1131.03

"Home improvement" means the repair, replacement, remodeling, alteration, conversion, modernization, improvement, or addition to any land or building, or that portion thereof which is used or designed to be used as a private residence or dwelling place for not more than three (3) families; and shall include, but not be restricted to, the construction, replacement, or improvement of driveways, swimming pools, porches, garages, fallout shelters and other improvements to structures or upon land which is adjacent to a dwelling house. "Home improvement" shall not include (i) the construction of a new home building or work done by a contractor in compliance with a guarantee of completion of a new building project, or (ii) the sale of goods or materials by a seller who neither arranges to perform nor performs directly or indirectly any work or labor in connection with the installation of or application of the goods or materials.

"Home improvement contract" means an agreement for the performance of a home improvement or repair.

"Home improvement contractor" means any person who owns or operates a home improvement business or who undertakes or offers to undertake or agrees to undertake or agrees to perform any home improvement, whether or not such person is a prime contractor. "Home improvement contractor" includes any person who negotiates or offers to negotiate a home improvement contract to be performed by another, unless such person is the employee or authorized representative of a single registered home improvement contractor.

"Inspector" means the Chief Building and Zoning Official or any of his duly authorized representatives.

"Registration-holder" means the individual who has passed the examination given by a board of examiners and has been issued a registration to perform a specific trade.

"Registered-business" means the business concern to whom a registration-holder has assigned his rights to a registration.

"Lot" means a parcel of land occupied or designated to be occupied by one building and the accessory buildings or occupancies customarily incident to it, including such open spaces as are required by the Zoning Code Chapter 11 and such open spaces as are arranged and designed to be used in connection with such building.

"Low-voltage" means all installations of wiring or equipment operating at forty-nine (49) volts or less, direct current or alternating current.

"Organization" means a corporation for profit or not for profit, partnership, limited partnership, joint venture, unincorporated association, estate, trust, or other commercial or legal entity. Organization does not include an entity organized as, or by, a governmental agency for execution of a governmental program.

"Owner" means the owner of record as shown on the current tax list of the county auditor, the mortgage holder of record, if any, as shown in the mortgage records of the county recorder, and any purchaser under a land contract. "Owner" also means any person who has a freehold or lesser estate in the premises; a mortgagee or vendee in possession; or any person who has charge, care or control of the premises as agent, executor, administrator, assignee, receiver, trustee, guardian or lessee.

"Partition" means a minor interior wall used to subdivide a floor area.

"Partition, bearing" means a partition, which supports a load in addition to its own weight.

"Partition, nonbearing" means a partition, which supports only its own weight.

"Passageway" means an enclosed hallway or corridor connecting a required exit to a street, or other open space communicating with a street when such required exit does not lead directly to a street.

"Permanent open space" means a street, alley, permanent surface and air easement, waterway, public park, or railroad right-of-way, other than a siding for the loading, unloading, or storage of cars or motive power equipment.

"Person" means a natural person, his heirs, executors, administrators or assigns, and also includes an organization, firm, partnership, corporation, contractor, or subcontractor, its or their successors or assigns, or the agent of any of the aforesaid.

"Porch" means a roofed structure with one (1) or more open sides, erected against and projecting from, an exterior wall of a building.

"Premises" means lands and everything of a permanent nature attached thereto as a part of realty.

"Property line" means the line of demarcation between properties either public or private.

"Public nuisance" means any structure which is permitted to be or remain in any of the following conditions:

- (1) In a dilapidated, decayed, unsafe or unsanitary condition detrimental to the public health, safety, and welfare, or well being of the surrounding area; or
- (2) A fire hazard; or
- (3) Any vacant building that is not secured and maintained in compliance with Chapter 14, or
- (4) Land, real estate, houses, buildings, residences, apartments, or premises of any kind which are used in violation of any Division of Section 2925.13, Ohio Revised Code.

"Public nuisance" also means any structure or real property which is not in compliance with any building, housing, zoning, fire, safety, air pollution, health or sanitation ordinance of the Franklin County Health Code, or any real property upon which its real property taxes have remained unpaid in excess of one (1) year from date of assessment.

"Shed" means a roofed one (1) story structure, open on one (1) or more sides, and not a porch or marquee as defined in this chapter with 100 square feet or less of floor area.

"Structure" means an assembly of materials forming a construction for occupancy or use, including but not limited to: building, stadium, gospel or circus tent, reviewing stand, platform, staging, observation tower, communication, radio or television tower, water tank, trestle, pier, wharf, open shed, coal bin, shelter, fence in excess of six (6) feet in height, display sign, dish antenna and any other similar assembly of materials. The word "structure" is construed as if followed by "or parts thereof."

"Tent" means a shelter or structure which is not an appendage to a building, nor a roof structure the covering of which is wholly or partly of canvas or other pliable material which is supported and made stable by standards, stakes, and ropes.

"Truss" means a complete or redundant framed structural unit composed of structural members connected at their intersections, in which, if loads are applied at their intersections, the stress in each member is in the direction of the length of the member.

"Veneer" means a nonstructural facing attached to a wall or other structural assembly for the purpose of providing ornamentation, protection, or insulation.

"Window bay" means a window projecting beyond the wall of a building and extending down to or below the ground.

"Window, dormer" means a substantially vertical window and its enclosing structure erected as an appendage to a sloping roof.

B. Supplemental definitions.

For the purpose of this Building Code, certain terms, phrases and words and their derivatives shall be construed as set out in this chapter. Words used in the present tense include the future. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the neuter. "Shall" is mandatory.

1301.04 1301.02 MODEL CODES ADOPTED.

Pursuant to Charter Section 2.13, the following Building Codes are hereby adopted by reference and made a part of the Grove City Building Code as if they are herein set out in full.

(a) For one, two and three-family non-industrialized units, the Ohio Building Officials Association (OBOA—1996) 1999 Edition of the Ohio Residential Code (ORC) for One and Two and Three Family Dwellings Code, most current Edition and all amendments and supplements thereto, with the exception of Part V entitled "Plumbing". The City shall be under a contract with the Franklin County Board of Health, Division of Plumbing, for plumbing inspections and all plumbing construction shall follow the Franklin County, Ohio requirements.

(b) For all other construction, the Ohio Basic Building Code and Ohio Mechanical Code (1996-1998 Edition) of the Ohio Administrative Code, 1996-1998 Edition, as issued by the Department of Commerce of the State of Ohio, shall represent minimum standards for all buildings and structures other than one, two and three-family units constructed and erected in the City.

(Ord. C18-80. Passed 4-21-80; Ord. C70-93. Passed 9-7-93; Ord. C25-94. Passed 4-18-94. C14-98. Passed 3/16/98)

1301.05 VALIDITY.

If any portion, section, or part of a section of this Building Code is declared by a court of competent jurisdiction to be invalid, illegal or void, such declaration shall be limited solely to that portion, section or part of a section that was directly involved in the controversy before the court upon which judgment was rendered, and shall not affect or impair the validity of the remainder of the Building Code.

1301.06 1301.04 CONFORMANCE REQUIRED.

(a) No building or structure shall be constructed, altered, remodeled, razed or removed except in conformity with the provisions of this Part 13 - Building Code and any lawful rule of the Building Inspector made hereunder.

(b) No building, structure or part thereof that has been erected or altered in violation of the provisions of this Building Code after its effective date may be maintained, occupied or used. (Ord. C45-66. Passed 7-11-66.)

1301.07 1301.03 REPAIRS; ENLARGEMENTS; BUILDING INSPECTOR'S POWERS.

(a) No building shall hereafter be altered or enlarged in such a manner as to violate any of the provisions of this Building Code.

(b) No existing building shall be altered or repaired when the value of such alterations or repairs is equal to or greater than one-half of the value of the building, exclusive of the value of the foundation, unless upon completion of such alterations or repairs, the entire building will meet all requirements for the buildings hereafter erected.

(c) Any existing building, which may be damaged to an extent of fifty percent or more of its value, exclusive of the value of the foundation, may be repaired or rebuilt only when upon completion of such repairs or rebuilding the entire building will meet all the requirements for buildings hereafter erected. Any existing building, which is damaged to an extent of fifty percent or more of its value, exclusive of the value of the foundation, and cannot be repaired in such a manner as to meet requirements of this Building Code, must be torn down.

(d) Under the provisions of this section the amount and extent of the damage and the value of the building damaged, altered, repaired or sought to be altered, repaired or rebuilt, shall be determined by the Building Inspector. Provided, however, that any property owner dissatisfied with the determination may file a written notice of appeal from the Inspector's decision with the Director of Public Safety and the Director shall promptly act upon such appeal and affirm or reverse the decision of the Inspector. (Ord. 281; Ord. C58-67. Passed 11-6-67.)

1301.08 1301.04 CONFLICT OF REGULATIONS.

Whenever any provision of the Building Code conflicts with or is inconsistent with the provisions of model codes adopted by reference herein the more restrictive provisions shall apply. (Ord. C45-66. Passed 7-11-66.)

1301.09 1301.05 REFERENCES TO ADMINISTRATIVE BODIES.

Wherever, in any code adopted in Section 1301.02 as the Building Code of the City, there appears a reference or referral to an administrative body, the section setting up the administrative procedure under Chapter 1303 of the Codified Ordinances shall prevail. Whenever reference is made to a Building Department and/or a Building Inspector or Chief Enforcement Officer, they shall be deemed as referring to the Division of Building Regulations of the City of Grove City and the Chief Building and Zoning Official Inspector, who shall also be known as the Chief Enforcement Officer of the City of Grove City. (Ord. C18-80. Passed 4-21-80.)

1301.10 RESPONSIBILITY OF OWNER.

The owner of premises, subject to the provisions of this Building Code, shall be responsible for compliance with the standards set forth herein. He shall remain responsible therefor, regardless of the fact certain responsibilities may also be placed on operators or agents and regardless of any agreement between the owner and anyone else as to who shall assume such responsibilities. The owner shall remain responsible for the elimination of any violation found on his premises, regardless of any agreement between the owner and others.

1301.11 DIRECTIVES

The Chief Building and Zoning Official is authorized to make and adopt directives necessary for the proper administration of the Ohio Basic Building Code and the Grove City Building Code, which are not in conflict therewith. The Chief Building and Zoning Official shall immediately file a certified copy of such directive with the Clerk of Council. Directives shall be presented to the Safety Director for review and approval.

1301.99 GENERAL CODE PENALTY.

Any person, firm or corporation which violates or fails to comply with any provision of this Part Thirteen - Building Code for which no other penalty has been provided, or fails to comply with any order or regulation made thereunder, or builds in violation of a building permit or certificate issued thereunder shall be guilty of a misdemeanor of the fourth degree for each and every violation and noncompliance. A separate offense shall be deemed committed each day during or on which an offense occurs or continues. The imposition of a penalty shall not excuse the violation or permit it to continue and the application of such penalty shall not be held to prevent the enforced removal of prohibited conditions. (Ord. C69-82. Passed 9-20-82.)